

B. Remarks

Claims 1-3, 5, 8, 13-16, and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hampton et al (U.S. 5,682,848), in view of Wagner, et al (U.S. 4,823,724).

Claims 4, and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton, in view of Wagner, and further in view of Jahr (U.S. 6,318,318).

Claims 5-7, 11-12, 17-20 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton, in view of Wagner, and further in view of Yoeda, et al (U.S. 6,405,693).

With this submission, Applicants resubmit claims 1-24. Reexamination and reconsideration are respectfully requested.

Part I of these remarks is a repeat of the remarks given in the prior response which the Applicants respectfully consider to be still applicable. Part II of the remarks are part of the response which will give additional reasons why Applicants' invention is patentably distinctive over the art cited against it.

Part I

In paragraph 4 of the Office Action, the Examiner stated that Hampton shows a first body having a pocket and a solenoid actuator positioned within the pocket (see numeral 16) for activating a switchable rocker arm assembly. Applicants' respectfully submit that the Examiner is in error in stating that Hampton shows a solenoid actuator positioned within a pocket. Applicants Claim 1 has a limitation in its third subparagraph: "*a solenoid actuator positioned within said pocket for activating a switchable rocker arm assembly.*".

Hampton does not show a first body with a pocket. It is most likely that Hampton does not even have a solenoid actuator that is connected with a first body in a manner similar to Applicants' invention. The Hampton specification, in column 6, lines 1-3, states: "*The actuator arm 17 pivots on arm pin 37 and is secured to the guide housing 36 which is attached to the actuator assembly 16.*" Nowhere does the specification teach or suggest that the actuator assembly 16 is connected to the body to its right in Figures 1, 3, 4 or 16.

In Column 3, Figure 1 is described as a cross-sectional view. The solenoid housing 15 is sectioned; however the body, which has a cutout with a cam shaft is not sectioned. This lack of sectioning of the portion that has the cutout for the cam shaft bearing would lead one

familiar in the rules of illustration of engineering drawings to believe that the housing 15 is not connected with the cam bearing ladder.

Furthermore, Figure 2 illustrates a guide housing and the solenoid housing 15. This view appears to indicate no physical connection between the solenoid housing 15 and the body, which has a cutout for the cam shaft.

Looking at a second embodiment of Hampton shown in Figures 16-17, again there is not demonstrated physical connection between the solenoid housing 15' and the portion which provides the cutout for the cam shaft. Therefore, the drawings and specification appear to indicate that the solenoid housing is not connected with any body which has a cutout of the cam shaft as provided in Applicants' Claim 1.

Even if one ignores the evidence provided by the specification and drawings of Hampton, that the solenoid housing is not connected to a body which has a cutout for the cam shaft, it is clearly apparent that the solenoid housing or actuator assembly is not positioned within a pocket of the body, but at most, would be connected to its side. In sharp contrast, Applicant's Figure 4 shows a solenoid assembly positioned within a pocket.

The addition of Wagner to the aforementioned Hampton still is deficient in not providing an actuator assembly positioned within a pocket.

Part II

The Examiner on page 2, paragraph 2, has stated that in Figure 1 that Hampton discloses "a camshaft bearing ladder, said ladder having a pocket formed therein (see Numeral 15)." Besides the reasons stated in Part I that item 15 of Figure 1 of Hampton is not a pocket, there is further evidence that item 15 is not a pocket by a close review of the drawing. To aid in this review, Applicants submit Exhibit A.

In Exhibit A, item 15 has been highlighted in yellow. It is clear that item 15 encircles the solenoid coil noted by item 23. At an upper end of item 15, item 15 has a slightly enlarged diameter allowing it to crimp together two disks. A first disk sits directly on top of the coil and has been highlighted with blue ink. A second disk sits on top of the first disk and has been highlighted in red. The second disk appears to be a cap member. The cap member second disk has a flange portion which abuts against a flange portion of the first disk. It is clear from the drawing that these first and second disks are held together by a crimp portion of the item 15.

Accordingly, item 15 cannot be a part of a pocket of a first body which receivably mounts a camshaft since it is clear that item 15 is a thin metallic sheet metal material which must be crimped. Accordingly, one skilled in the art would not define item 15 as a formed pocket of a bearing ladder.

One skilled in the art would not attempt to combine the teachings of Wagner with that of Hampton, as cited by the Examiner. Wagner as best shown in Figure 2, provides an engine design which does not have rocker arms. Such a design by its very nature is incompatible with the technical challenges brought about by an engine as brought forth by Hampton which includes a rocker arm assembly. Furthermore, Hampton does not even inclusively teach that the solenoid is even connected to the bearing cam member at all. Neither Hampton or Wagner illustrate a bearing cam ladder having a pocket with the solenoids enclosed therein. Although the combination proposed by the Examiner is highly unlikely to one skilled in the art for the above noted reasons, such a combination still fails to teach or disclose Applicants' invention.

All of Applicants' claims require either a first body or a cam shaft bearing cap ladder having a pocket formed therein with a solenoid actuator within a pocket of the bearing cap ladder or first body. None of the references cited by the Examiner teach or suggest such a feature. Accordingly, Applicants' response to the remainder of the rejections is incorporated in Applicants' response to the rejection of Claim 1. In the interest of conservation of the Examiner's valuable time, Applicants' response is not further repeated.

For the reasons stated above, Applicants respectfully submit that the Examiner's rejections are respectfully traversed and as the application is otherwise in condition for allowance, such action is respectfully requested.

Respectfully submitted,



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